

GARY GIESELMAN,)
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 Plaintiff,)
)
 vs.) Case No. 4:10CV1619 RWS
)
 VALERIA WILSON JACKSON, et al.,)
)
 Defendants.)

While in custody at the Washington County jail, Gary Gieselmann was severely beaten by inmates at the direction of defendants Vernon Wilson and Valeria Wilson Jackson. Both of these defendants have been convicted in this Court for their role in the attack on Gieselmann. Defendants Wilson, Jackson, and Washington County now move for summary judgment in this § 1983 case on the ground that Gieselmann, in exchange for \$50,000, signed a release indemnifying them from any claims arising out of his beating. Defendants attached a copy of the release to their motion for summary judgment. It is signed only by Gieselmann, not defendants, and there is no evidence documenting its authenticity or demonstrating that the release was executed in accordance with Missouri law.

Gieselman contends that summary judgment should be denied because there are genuine disputes of material fact concerning whether the release is void or voidable. In part, Gieselman challenges the release based on statements made to

him by the Missouri Public Entity Risk Management Fund (MOPERM),
defendants' insurer. Gieselman has now filed a second amended complaint
joining MOPERM and others as defendants.

In light of MOPERM's recent joinder as a defendant, and in consideration
of the dearth of evidence authenticating the release and demonstrating its
compliance with Missouri law, I find that defendants' motion for summary
judgment must be denied as premature. Whether this issue may ultimately dispose
of Gieselman's claims is not properly before me at this time.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion for summary
judgment [#27] is denied without prejudice.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of August, 2011.